

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 31881 of 2014 (I)

PETITIONER:

**SCARIA ABRAHAM,
KANIPARAMBIL, VILANGAD P.O.,
KOZHIKODE DISTRICT, PIN - 673506.**

BY ADV. SRI.K.M.VARGHESE

RESPONDENT(S):

- 1. AUTHORIZED OFFICER,
BANK OF INDIA, CALICUT BRANCH,
KOZHIKODE DISTRICT, PIN - 673 032.**
- 2. BANK OF INDIA, CALICUT BRANCH,
KOZHIKODE, PIN - 673 032,
REPRESENTED BY CHIEF MANAGER.**

BY SRI.J.HARIKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 31881 of 2014 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE DEMAND NOTICE DATED 10TH JULY 2012 ISSUED BY THE RESPONDENT NO.1.

EXHIBIT-P2: TRUE COPY OF THE NOTICE DATED 6TH FEBRUARY 2013 ISSUED BY THE RESPONDENT NO.1.

EXHIBIT-P3: TRUE COPY OF THE NOTICE DATED 19TH SEPTEMBER 2014 ISSUED BY ADVOCATE COMMISSIONER IN C.M.P.NO.1756 OF 2014 ON THE FILES OF CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE.

EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION DATED 25TH NOVEMBER 2014 SENT TO THE RESPONDENTS.

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 31881 of 2014 (I)

.....
Dated this the 16th day of January, 2015

JUDGMENT

The writ petition was filed impugning the recovery steps initiated by the respondent Bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002. The prayer in the writ petition was essentially for regularisation of the loan and for some time to pay the defaulted amounts to the respondent Bank.

2. When the matter came up for admission, by an interim order dated 28.11.2014, the petitioner was required to pay an amount of Rs.2,50,000/- within a week to prove his bonafides in the matter. Today, when the case came up for orders, it is reported by counsel for the petitioner that the direction of this Court, in the order dated 28.11.2014, could not be complied with. In that view of the matter, I see no reason to entertain the writ petition on merits. Accordingly, the writ petition is dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE